

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------------|---|--------------|
| JAMES JACONO AND ROBERT MILLER | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| UNITED STATES DEPARTMENT OF | : | |
| HOUSING AND URBAN DEVELOPMENT | : | NO. 03-4981 |

O R D E R

AND NOW, this 25th day of June, 2004, upon consideration of the Government's Motion for Summary Judgment (Docket No. 17) and Plaintiffs' Motion for Partial Summary Judgment (Docket No. 18), **IT IS HEREBY ORDERED** that said Motions are **DISMISSED** as moot.¹ **IT IS FURTHER ORDERED** that Plaintiffs shall file any petition for attorney's fees and costs, and for return of the \$3000 paid into the Registry of this Court pursuant to the Order dated September 16, 2003 (Docket No. 3), on or before July 9, 2004.

BY THE COURT:

John R. Padova, J.

¹Defendant United States Department of Housing and Urban Development has represented to the Court that it will not proceed against Plaintiffs on the basis of a non-judicial foreclosure. That being the case, the parties have agreed that the Court no longer has jurisdiction over this matter, except with respect to Plaintiffs' petition for attorney's fees, costs and the return of monies placed in the Registry of this Court, which petition shall be filed in accordance with this order.